

REMARKS

In the Office Action,¹ the Office took the following actions:

rejected claims 1, 6-8 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0140142 to Marples et al. ("*Marples*") and U.S. Patent No. 7,602,784 to Piche ("*Piche*");

rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of U.S. Patent Publication No. 2009/0019141 to Bush et al. ("*Bush*"); and

rejected claims 5, 9, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of U.S. Patent Publication No. 2007/0067487 to Freebairn et al. ("*Freebairn*").

Applicant respectfully traverses the rejections and requests reconsideration and allowance of the pending claims for at least the reasons set forth below.

Rejections of Claims 1, 6-8 and 10-12 under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 1, 6-8 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* in view of *Piche*, because a *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. ... [R]ejections on

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. § 2143.01(III) (emphasis in original). "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." M.P.E.P. § 2141.02(I) (emphases in original).

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Independent claim 1 calls for a combination including, for example, "a signaling channel selection unit, which is used to select signaling transmission channel for transmitting the data so as to implement the convergence of signaling, a call channel selection unit, which is used to select a media-stream receiving port in the trusted node

for communicating with the internal network." *Marples* and *Piche*, whether taken alone or in combination, fail to teach or suggest at least this combination.

The Office acknowledges that *Marples* fails to teach "a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network." Office Action, p. 3. However, the Office points to *Piche*, col. 6, lines 52-65 and 66-67, as allegedly teaching such a combination. Applicant respectfully disagrees with the Examiner's assertion.

Piche, at col .6 lines 52-67, discloses:

(b) said designated recipient computer communicating said first external network address and said designated internal transmitting port determined from said first UDP data packet to said second computer, and communicating said second external network address and said designated internal receiving port determined from said second UDP data packet to said first computer;

(c) said second computer sending a UDP data packet using its designated internal receiving port to said first external network address and the designated internal transmitting port of said first computer;

(d) said first computer sending a UDP data packet using its designated internal transmitting port to said second external network address and the designated internal receiving port of said second computer; wherein said second computer sends said UDP data packet to said first computer prior to said first computer sending said UDP data packet to said second computer.

As seen above, *Piche* discloses the designated recipient computer **communicating** the first external network address and the designated internal transmitting port to the second computer, and **communicating** the second external network address and the designated internal receiving port to the first computer.

However, claim 1 recites "a signaling channel **selection** unit, which is used to **select** a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel **selection** unit, which is used to **select** a media-stream receiving port in the trusted node for communicating with the internal network" (emphases added). *Piche* at best discloses one computer **communicating** the network address and transmitting port to another computer, which is different from "**select** a signaling transmission channel" or "**select** a media-stream receiving port," as recited in claim 1 (emphases added).

Moreover, claim 1 recites "a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data **so as to implement the convergence of signaling.**" Nowhere does *Piche* discloses "to implement the **convergence of signaling.**" Thus, *Piche* does not compensate for the deficiencies of *Marples*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and claim 1 is allowable.

Independent claim 6, although different in scope from claim 1, recites elements similar to claim 1 and is thus allowable for at least the reasons discussed above with

respect to claim 1. Claims 7-8 and 10-12 depend from claim 6 and are allowable at least by virtue of their dependence from claim 6.

Rejections of Claims 3 and 4 under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of *Bush* because a *prima facie* case of obviousness has not been established.

Claims 3 and 4 depend from claim 1. As discussed above in regard to the rejection of claim 1, *Marples* and *Piche*, whether taken alone or in combination, fail to teach or suggest at least "a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network," as recited in claim 1 and included in claims 3 and 4. The Office asserted that *Bush* discloses the elements recited in claims 3 and 4. See Office Action, p. 6. Without acquiescing to this assertion, Applicant respectfully submits that *Bush* also fails to teach or suggest the above-noted element, and thus does not compensate for the deficiencies of *Marples* and *Piche*.

Therefore, the Office has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and claims 3 and 4. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claims 3 and 4 would have been obvious to one of

ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 3 and 4, and claims 3 and 4 are allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

Rejections of Claims 5, 9, and 13 under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 5, 9, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Marples* and *Piche*, and further in view of *Freebairn* because a *prima facie* case of obviousness has not been established.

Claim 5 depends from claim 1 and claims 9 and 13 ultimately depend from claim 6. As discussed above in regard to the rejection of claim 1, *Marples* and *Piche*, whether taken alone or in combination, fail to teach or suggest at least "a signaling channel selection unit, which is used to select a signaling transmission channel for transmitting the data so as to implement the convergence of signaling, and a call channel selection unit, which is used to select a media-stream receiving port in the trusted node for communicating with the internal network," as recited in claim 1, and similarly recited in claim 6. The Office asserted that *Freebairn* discloses the elements recited in claims 5 and 9. See Office Action, pp. 6-7. Without acquiescing to this assertion, Applicant respectfully submits that *Freebairn* also fails to teach or suggest the above-noted element, and thus does not compensate for the deficiencies of *Marples* and *Piche*.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claims 5,

9, and 13. Moreover, there is no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, no reason has been clearly articulated as to why claims 5, 9, and 13 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 5, 9, and 13, and claims 5, 9, and 13 are allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 5, 9, and 13 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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